

REMARKS

The Office Action of April 22, 2005 has been reviewed and the Examiner's comments carefully considered. The present Amendment amends the specification and drawings illustrating Fig. 5 and Fig. 14, as indicated above, as well as claims 1 and 4-6 in accordance with the originally-filed specification. Claim 2 has been canceled. New claims 7-12 have been added to the claims. No new matter has been added. Accordingly, claims 1, and 3-12 are pending in this application, of which claims 1, 5, 7 and 9 are in independent form.

In the specification, the paragraphs beginning on: (1) page 5, line 5, (2) page 10, line 20 and (3) page 16, line 27, have been replaced with amended paragraphs to clarify the structure having a FOPS function as the FOPS/ROPS. The paragraph beginning on page 10, line 23 has been amended to correct minor editorial problems.

In the drawings, Fig. 5 has been amended to change previously labeled element 55 to element 50 in accordance with the remainder of the application such as, for example, Fig. 8. Fig. 14 in the drawings is further clarified by labeling the cutout opening sides 79 with lead lines as described in the written description at page 14, lines 28-30, for example.

Initially, the Examiner is thanked for indicating that the subject matter of claims 2, 3 and 5 define over the prior art of record. In particular, the Examiner has indicated that claims 2 and 3 are objected to as being dependent upon a rejected base claim and that claims 2, 3 and 5 are rejected under 35 U.S.C. § 112, second paragraph. However, claims 2 and 3 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims along with overcoming the § 112, second paragraph rejections. Claim 5 would also be allowable if rewritten or amended to overcome the § 112, second paragraph rejections. Accordingly, Applicants have amended independent claim 1 to include the limitations of canceled claim 2 and added new claim 7 in this regard.

I. 35 U.S.C. § 112 Rejections

In the Office Action, the Examiner has rejected claims 4 and 6 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 4 and 6 have also been rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With respect to the Examiner's rejection under § 112, second paragraph, claims 4 and 6 have been amended to remove the language "type" from these claims. With respect to Examiner's concern that a four-post type ROPS was not described in the specification for enablement purposes, Applicants assert that "type" has been removed leaving a four-post ROPS. The four-post ROPS is described in the specification of the present application at page 5, lines 5-6 wherein a four-post ROPS is identified by element number 5. The FOPS/ROPS 5 has four posts, front posts 52 and rear posts 90. Each front post 52 may be inserted into post mount 51, the post mounts 51 being disposed on loader mounts 47 as illustrated in Figs. 1 and 6, for example, and described on page 10, lines 15-16 and 20-21. Rear posts 90 may be inserted into and attached to post mounts 91, wherein post mounts 91 are included on the main frames 42 as depicted in Figs. 1, 6 and 7 and as described on page 16, lines 27-29. Accordingly, based upon the above explanations and amendments, Applicants respectfully request reconsideration of the § 112 rejections of claims 4 and 6.

Claims 1-6 were rejected in the Office Action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With respect to the Examiner's rejection of claims 1 and 5, these claims have been amended to replace the phrase "such as" with the phrase "including" although Applicants make no assertions herein as to whether any limitations in the preamble contain structural limitations or mere statements of purpose. With respect to the Examiner's implied question as to whether "working implements" include a front loader and a backhoe, Applicants assert that the working implements do include but are not limited to these recited items. Further examples of items that could be considered working implements are not listed in the claims as it is permissible to use open-ended or inclusive language in claims while still encompassing other such working implements. Claims 3 and 4 depend directly from claim 1 and claim 6 depends directly from claim 5. Accordingly, based upon the above explanations and amendments, Applicants respectfully request reconsideration of the § 112 rejections of claims 1-6.

II. 35. U.S.C. § 102 Rejection

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,056,502 to Takemura et al. (the " '502 patent"). In view of the foregoing

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amendments and the following remarks, Applicants respectfully request reconsideration of these rejections.

As indicated in the Office Action, and referred to above, the limitations of former claim 2, which is now canceled, has been included into the limitations of independent claim 1. The § 112 rejections of former claim 2 and pending claim 3 have been addressed above and overcome. Thus, because the subject matter of claim 2 is now allowable as indicated by the Examiner in the Office Action, independent claim 1 is allowable.

For the foregoing reasons, independent claim 1 is not anticipated by the '502 patent or any of the prior art of record. There is no hint or suggestion in any of the references cited by the Examiner to combine these references in a manner which would render the invention, as claimed, obvious. Accordingly, reconsideration of the rejection of independent claim 1 is respectfully requested.

III. Conclusion

For all the foregoing reasons, Applicants believe that claims 1-12 are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of all pending claims 1-12 are respectfully requested.

Respectfully submitted,
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AMENDMENTS TO THE DRAWINGS

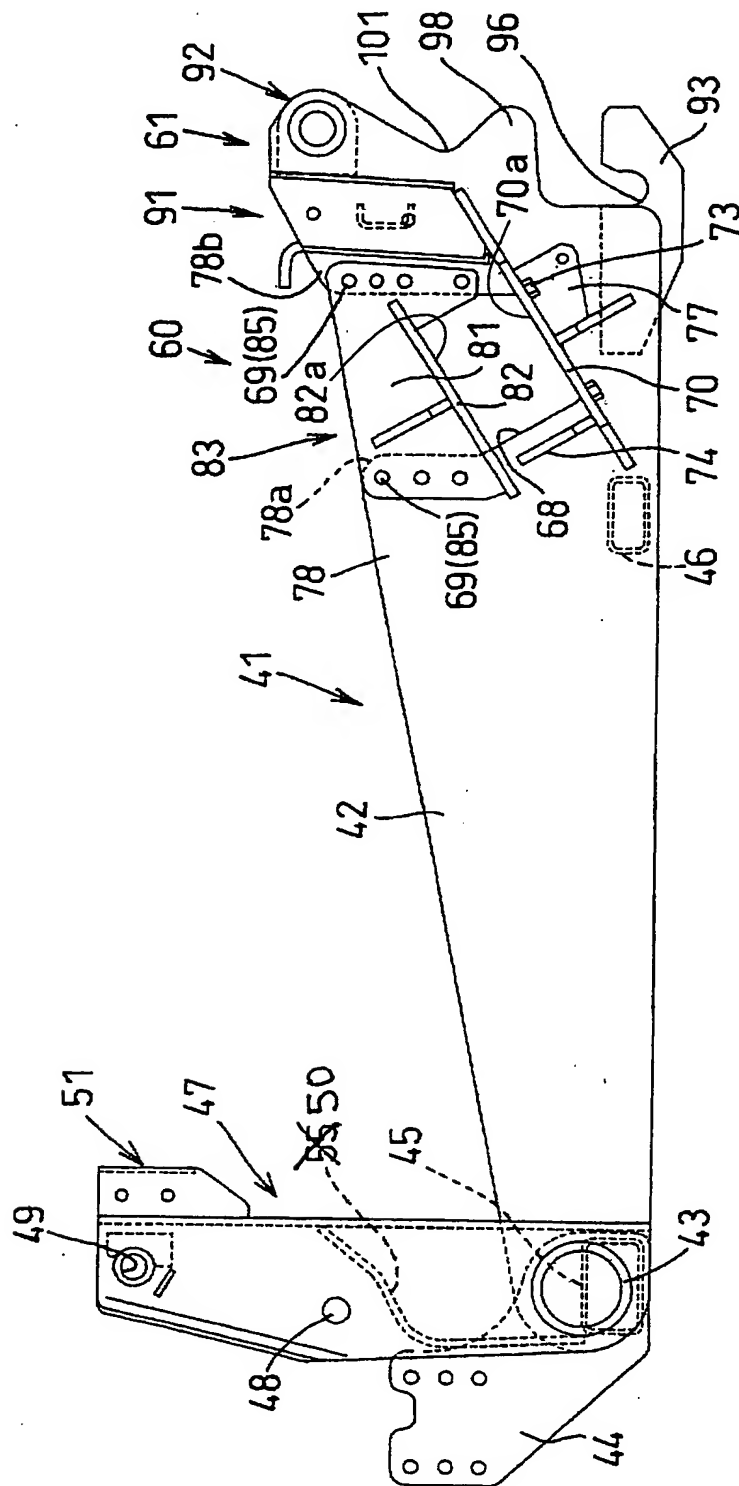
The attached sheets of drawings include changes to Fig. 5 and Fig. 14. The attached Replacement Sheets replace their respective original sheet having Fig. 5 or Fig. 14. The attached Annotated Sheets show the changes to the respective original sheet having Fig. 5 or Fig. 14.

In Fig. 5, previously labeled element 55 has been changed to element 50. In Fig. 14, the cutout opening sides (element 79) have been labeled.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

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FIG.5



This diagram shows the assembly from FIG. 5 with additional components labeled 79. These components are shown as shaded, teardrop-shaped parts being attached to the vertical plate 60 via fasteners 69. The label "Elements 79 added" with a bracket points to these new additions. Other labels include 42, 78a, 78b, 78, 74, 70a, 70, 73, 77, 91, 61, 92, 101, 98, 96, and 93.